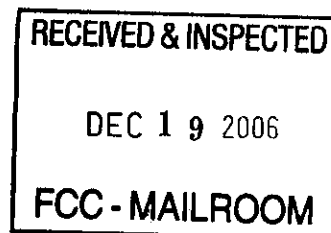


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From: 3602880548  
Media: Fax 6 pages  
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***Olympic Peninsula Consultants***

P. O. Box 2239

Forks, WA 98331

360-288-0548

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E-Mail [jbennett@olynet.com](mailto:jbennett@olynet.com)

**Fax Cover Sheet**

Sent To: FCC Office of the Secretary

From: Jim Bennett

Fax#: 202-418-0187

Date: December 18, 2006

Total number of pages including the cover sheet: 47

RE: Appeal Form 471# 441552

CC Docket No. 02-6

Request a Review

If you need anything else, please get back to me via e-mail.

Jim Bennett, President

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DEC 19 2006

FCC - MAILROOM

***Olympic Peninsula Consultants***

***Jim Bennett, President***

***P. O. Box 2239***

***Forks, WA 98331***

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**360-374-3310**

OLYMPIC PENINSULA CONSULTANTS

FRN#01 1022126

December 18, 2006

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Room TW-A325  
Washington, DC 20554

CC Docket No. 02-6  
Request a Review

RE: Appeal Form 471 441552 – Funding Commitment Decision Letter Dated May 10, 2006 and  
Administrator's Decision on Appeal – Funding Year 2005-06 dated November 15, 2006

**2. Contact Information:** Jim Bennett President  
Olympic Peninsula Consultants  
PO Box 2239  
Forks, WA 98331-2239  
Phone: 360-374-3310  
Fax: 360-374-3310  
E-mail: [jbennett@olynet.com](mailto:jbennett@olynet.com)

**3. USAC action appealing:** November 15, 2006 Administrator's Decision on Appeal and  
FUNDING COMMITMENT DECISION LETTER (Funding Year 2005: 07/01/2005 – 06/30/2006)  
dated May 10, 2006 "The amount, \$92,429.65 is 'Denied' " "Funding Commitment Decision  
Explanation: FCC rules require that a contract for the products/services be signed and dated by both  
parties prior to the filing of the Form 471. This requirement was not met."

**4. Entity Information:** Central Kitsap School District #401, Billed Entity Number 145274, Form  
471# 441552, FRN # 1236801, 1236890, 1236919, 1239356 and 1239871.

**5. Explanation of Appeal:**

A. Form 471 # 441552 started PIA review on December 20, 2005 as noted by Exhibit #1  
in letter from Tamala Patterson. Over the next few weeks I believed that all of the  
requested information was supplied to Tamala on January 9, 2006.

No. of Copies rec'd  
List A B C D E

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- B. Since a Funding Commitment Letter had not been received by April 17, 2006 and a check of the status of the application showed that it was still in Initial Review, I sent an e-mail inquiry (Exhibit 2) and received a reply with a case number 21-407534 (Exhibit 3)
- C. On April 25, 2006, we again received the December 20<sup>th</sup> letter from Tamala Patterson with additional requests in *italic*, (Exhibit 4) which requested "If the contract is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA. Please provide us with the contract name and number of the State Master Contract."
- D. On April 26, Exhibit 5, shows e-mails that went back and forth between Tamala Patterson, Monica Hunsaker at Central Kitsap School District, and myself. It ended with Monica Hunsaker looking for the document "where you signed on the State Master Contract"
- E. On May 1, 2006, Monica Hunsaker faxed the contract, (Exhibit 6) to Tamala Patterson.
- F. On May 2, 2006, I received an e-mail from Tamala (Exhibit 7) saying "Ok, I received a fax yesterday from Monica Hunsaker that contained the signed contract but unfortunately I can't accept the fax from her. The fax has to come from you in order for it to be valid. Please refax." I refaxed the contract.
- G. After refaxing the contract, I e-mailed Tamala (Exhibit 8) to see if she had everything that she needed to approve the Central Kitsap application and her reply was "Yes, I received the fax and that is all that I need."
- H. Tamala from the beginning had requested proof that the Central Kitsap had signed onto the contract and no mention was made of the need to have Qwest also sign the contract. Tamala indicated that she had received everything that she needed to approve the Form 471 and never did she mention that the contract copy we had provided was not satisfactory and that we needed to have a copy with Qwest signature on the contract as well as the Central Kitsap District.
- I. Since we received the Funding Commitment Letter Dated May 10, 2006 with \$92,429.65 Denied, the Central Kitsap School District contacted Qwest and they sent the District a copy of the signed contract by both parties. (Exhibit 9) They also provided an updated contract that was signed on March 27, 2003 for 4 additional PRI lines. (Exhibit 10) In addition they provided an updated signature page showing that the District had agreed to the State of Washington DIS contract for DS1 and DS3 lines. (Exhibit 11).

Based on the information provided, I believe that Tamala had ample opportunity to simply say that she needed the contract signed by both parties and Central Kitsap would have requested the signed copy from Qwest but instead she said that she had all of the information that she needed.

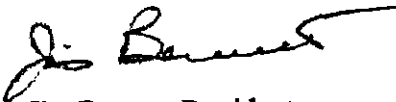
*I believe that the major criteria that USAC is trying to determine in their review of the Form 471, is that the district does have a valid contract with the vendor. In this case the answer is yes as demonstrated with Exhibits 9, 10, and 11. These contracts are the same contracts that the SLD approved for funding for Year 2004.*

I have demonstrated that the Central Kitsap School District did indeed have valid signed contracts by the Central Kitsap School District and Qwest Corporation at the time Form 471 #441552 and FRN # 1236801, 1236890, 1236919, 1239356 and 1239871 were submitted. I ask that you review this information and reconsider the Funding Commitment on the above FRNs and send an approved Funding Commitment letter for these listed FRNs.

If you need additional information, please contact me.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bennett", written in a cursive style.

Jim Bennett, President



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2005-2006**

November 15, 2006

Jim Bennett  
Olympic Peninsula Consultants  
P.O. Box 2239  
Forks, WA 98331

Re: Applicant Name: CENTRAL KITSAP SCHOOL DISTRICT  
401  
Billed Entity Number: 145274  
Form 471 Application Number: 441552  
Funding Request Number(s): 1236801, 1236890, 1236919, 1239356, 1239871  
Your Correspondence Dated: June 17, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1236801, 1236890, 1236919, 1239356, 1239871  
Decision on Appeal: **Denied**  
Explanation:

- Upon thorough review of the appeal letter and relevant documents, USAC has determined that, at the time you submitted your Form 471 application, you did not have a properly signed contract in place with your service provider. During the application review, the applicant was asked to provide copies of signed and dated contracts. In the response provided to USAC on May 2, 2006, the contract provided has only one signature and only one date (January 29, 2003). FCC Rules state that a contract must be signed and dated by both parties on or after the Allowable Contract Date as calculated by the Form 470 posting date, but prior to the submission of the Form 471. In this case, you have not demonstrated that you have complied with FCC Rules; therefore, the appeal is denied.

USAC has determined that, at the time you submitted your Form 471 application, you did not have a signed and dated contract for services in place with your service provider(s) for services other than tariffed or month-to-month services. FCC Rules require that applicants submit a completed FCC Form 471 "upon signing a contract for eligible services." 47 C.F.R. sec. 54.504(c). The FCC Rules further require that "both beneficiaries and service providers must retain executed contracts, signed and dated by both parties". See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-26, FCC 04-190 para. 48 (rel. Aug. 13, 2004). The FCC has consistently upheld USAC's denial of funding when there is no contract in place for the funding request. See Request for Review by Waldwick School District, Schools and Libraries Universal Service Support Mechanism, File No. SLD-256981, CC Docket No. 02-6, Order, 18 FCC Rcd. 22994, DA 03-3526 (rel. Nov. 5, 2003). The FCC Form 471 instructions under Block 5 clearly state that you MUST sign a contract for all services that you order on your Form 471 except tariffed services and month-to-month services. See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (November 2004) at page 23.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Richard Best